

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of
Gray Television Licensee, LLC
Licensee of Station WAHU-CD
Charlottesville, Virginia
Facility ID No. 47705
FRN No. 0018223693
NAL Acct. No. 201441420039
File No. BRDTA-20120601AHF

CONSENT DECREE

Adopted: December 11, 2014

Released: December 15, 2014

By the Commission

1. The Federal Communications Commission (the "Commission") and Gray Television Licensee, LLC ("Gray") hereby enter into this Consent Decree for the purposes of resolving (i) the Media Bureau's investigation of Gray's compliance with the Children's Television Act and (ii) the pending license renewal application, File No. BRDTA-20120601AHF.

I. DEFINITIONS

- 2. For the purposes of this Consent Decree, the following definitions shall apply:
a. "Act" means the Communications Act of 1934, as amended, 47 U.S.C. § 151 et seq.
b. "Adopting Order" means the Order of the Commission adopting the terms of this Consent Decree without change, addition, deletion, or modification.
c. "Bureau" means the Media Bureau of the Federal Communications Commission.
d. "Commission" or "FCC" means the Federal Communications Commission and all of its bureaus and offices.
e. "Communications Laws" means, collectively, the Act, the Rules, and the published and promulgated orders and decisions of the Commission to which Gray is subject by virtue of it being a Commission licensee, including but not limited to Sections 73.671, and 73.6026 of the Commission's Rules.
f. "CTA" means the Children's Television Act, Pub L. No. 101-437, 104 Stat. 996-1000, codified at 47 U.S.C. §§ 303(a), 303(b), and 394.
g. "Effective Date" means the date on which the Commission releases the Adopting Order.
h. "Gray" means Gray Television Licensee, LLC, and its subsidiaries, successors, assigns, and/or transferees.
i. "Investigation" means the Media Bureau's investigation of Gray's compliance at the Station with the CORE programming requirements of the CTA (as defined in Section 73.671(c) of the Rules) and Sections 73.6026 and 73.671 of the Rules.
j. "License Renewal Application" means File No. BRDTA-20120601AHF.
k. "Parties" means Gray and the Commission, each of which is a "Party."

- l. “Rules” means the Commission’s regulations found in Title 47 of the Code of Federal Regulations.
- m. “Station” means WAHU-CD, the Class A television station licensed to Gray.

II. TERMS OF AGREEMENT

3. **Adopting Order.** The Parties agree that the provisions of this Consent Decree shall be subject to final approval by the Commission, which approval shall be evidenced by incorporation of the Consent Decree by reference in the Adopting Order.

4. **Jurisdiction.** The Parties agree that the Commission has jurisdiction over them and the matters contained in this Consent Decree and that the Commission has the authority to enter into and adopt this Consent Decree.

5. **Effective Date; Violations.** The Parties agree that this Consent Decree shall become effective on the Effective Date as defined herein. As of the Effective Date, the Adopting Order and this Consent Decree shall have the same force and effect as any other order of the Commission. Any violation of the Adopting Order or of the terms of this Consent Decree shall constitute a separate violation of a Commission order, entitling the Commission to exercise any rights and remedies attendant to the enforcement of a Commission order.

6. **Termination of Investigation; Grant of Renewal Application.** In express reliance on the covenants and representations in this Consent Decree and to avoid further expenditure of public resources, the Commission agrees to terminate the Investigation. In consideration for the termination of the Investigation, Gray agrees to the terms and conditions contained herein. The Commission further agrees to grant, in conjunction and simultaneously with the adoption of this Consent Decree, the License Renewal Application without conditions of any kind. The Commission further agrees that in the absence of new material evidence, the Commission will not use the facts developed in this Investigation through the Effective Date, or the existence of this Consent Decree, to institute on its own motion any new proceeding, formal or informal, or take any action on its own motion against Gray concerning the matters that were the subject of the Investigation, including, but not limited to any action that would affect the Class A status for the Station. The Commission also agrees that in the absence of new material evidence it will not use the facts developed in the Investigation through the Effective Date, or the existence of this Consent Decree, to institute on its own motion any proceeding, formal or informal, or take any action on its own motion against Gray with respect to Gray’s basic qualifications, including its character qualifications, to be a Commission licensee or to hold Commission licenses or authorizations.

7. **Subsequent Investigations.** Nothing in this Consent Decree shall prevent the Commission or its delegated authority from adjudicating complaints or other adjudicatory pleadings filed against Gray or its affiliates for alleged violations of the CTA or the Commission’s rules or for any other type of alleged misconduct, regardless of when such misconduct took place. The Commission’s adjudication of any such complaints will be based solely on the record developed in that proceeding. Except as expressly provided in this Consent Decree, this Consent Decree shall not prevent the Commission from investigating new evidence of noncompliance by Gray with the Communications Laws.

8. **Voluntary Contribution.** Gray agrees that it will make a voluntary contribution to the United States Treasury in the amount of Twenty Five Thousand Dollars (\$25,000) within ten (10) calendar days following the Effective Date. Gray shall also send electronic notification of payment to David Roberts at david.roberts@fcc.gov on the date payments are made. The payment must be made by check or similar instrument, wire transfer, or credit card, and must include the NAL/Account number and FRN referenced above. Regardless of the form of payment, a completed FCC Form 159 (Remittance

Advice) must be submitted.¹ When completing the FCC Form 159, enter the Account Number in block number 23A (call sign/other ID) and enter the letters “FORF” in block number 24A (payment type code). Below are additional instructions you should follow based on the form of payment you select:

- Payment by check or money order must be made payable to the order of the Federal Communications Commission. Such payments (along with the completed Form 159) must be mailed to Federal Communications Commission, P.O. Box 979088, St. Louis, MO 63197-9000, or sent via overnight mail to U.S. Bank – Government Lockbox #979088, SL-MO-C2-GL, 1005 Convention Plaza, St. Louis, MO 63101.
- Payment by wire transfer must be made to ABA Number 021030004, receiving bank TREAS/NYC, and Account Number 27000001. To complete the wire transfer and ensure appropriate crediting of the wired funds, a completed Form 159 must be faxed to U.S. Bank at (314) 418-4232 on the same business day the wire transfer is initiated.
- Payment by credit card must be made by providing the required credit card information on FCC Form 159 and signing and dating the Form 159 to authorize the credit card payment. The completed Form 159 must then be mailed to Federal Communications Commission, P.O. Box 979088, St. Louis, MO 63197-9000, or sent via overnight mail to U.S. Bank – Government Lockbox #979088, SL-MO-C2-GL, 1005 Convention Plaza, St. Louis, MO 63101.²

9. **Waivers.** Gray waives any and all rights it may have to seek administrative or judicial reconsideration, review, appeal or stay, or to otherwise challenge or contest the validity of this Consent Decree and the Adopting Order, provided the Commission issues an Adopting Order as defined herein. If any Party (or the United States on behalf of the Commission) brings a judicial action to enforce the terms of the Adopting Order, neither Gray nor the Commission shall contest the validity of the Consent Decree or the Adopting Order, and Gray shall waive any statutory right to a trial *de novo*. Gray hereby agrees to waive any claims they may have under the Equal Access to Justice Act, 5 U.S.C. § 504 and 47 C.F.R. § 1.1501 *et seq.*, relating to the matters addressed in this Consent Decree.

10. **Invalidity.** In the event that this Consent Decree in its entirety is rendered invalid by any court of competent jurisdiction, it shall become null and void and may not be used in any manner in any legal proceeding.

11. **Subsequent Rule or Order.** The Parties agree that if any provision of the Consent Decree conflicts with any subsequent rule or order adopted by the Commission (except a rule or order specifically intended to revise the terms of this Consent Decree to which Gray expressly consents) that provision will not be superseded by such rule or Commission order.

12. **Successors and Assigns.** Gray agrees that the provisions of this Consent Decree shall be binding on its successors, assigns, and transferees.

13. **Modifications.** This Consent Decree cannot be modified without the advance written consent of all Parties.

14. **Paragraph Headings.** The headings of the paragraphs in this Consent Decree are inserted for convenience only and are not intended to affect the meaning or interpretation of this Consent Decree.

15. **Authorized Representative.** The individual signing this Consent Decree on behalf of

¹ An FCC Form 159 and detailed instructions for completing the form may be obtained at <http://www.fcc.gov/Forms/Form159/159.pdf>.

² Should Gray have questions regarding payment procedures, it should contact the Financial Operations Group Help Desk by phone at 1-877-480-3201, or by e-mail at ARINQUIRIES@fcc.gov.

Gray represents and warrants that he is authorized by Gray to execute this Consent Decree and to bind Gray to the obligations set forth herein. The FCC signatory represents that she is signing this Consent Decree in her official capacity and that she is authorized to execute this Consent Decree.

16. **Counterparts.** This Consent Decree may be signed in any number of counterparts, each of which, when executed and delivered (including by pdf or facsimile), shall be an original, and all of which counterparts together shall constitute one and the same fully executed instrument.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch
Secretary

Kevin P. Latek
Secretary
Gray Television Licensee, LLC

Date